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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 27 2006

at 9 o'clock and 45 min. AM
SUE BEITIA, CLERK

Attorney for Defendant James Troiano

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 05-00261 HG
Plaintiff,)
vs.) NOTICE OF MOTION; MOTION
JAMES TROIANO, (01)) TO DISMISS INDICTMENT OR, IN
Defendant.) THE ALTERNATIVE, TO
) SUPPRESS PROSECUTION
) EVIDENCE RELATING TO
) AUDIOTAPED FEDERAL
) DETENTION CENTER PHONE
) CALLS BY DEFENDANT;
) DECLARATION OF COUNSEL;
) MEMORANDUM OF LAW IN
) SUPPORT OF MOTION;
) CERTIFICATE OF SERVICE
)
) Date: March 17, 2006
) Time: 9:00 a.m.
) Judge: HELEN GILLMOR
)

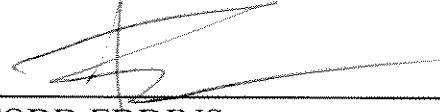
NOTICE OF MOTION

TO: CLAIRE CONNORS
Assistant United States Attorney
Room 6100, PJKK Federal Building

300 Ala Moana Blvd.
Honolulu, Hawaii 96850

PLEASE TAKE NOTICE that the following motion will be heard before the Honorable Judge Helen Gillmor in her courtroom in the United States Courthouse, 300 Ala Moana Boulevard, on March 17, 2006 at 9:00 a.m.

DATED: Honolulu, Hawaii February 27, 2006.



TODD EDDINS
Attorney for Defendant James Troiano

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 05-00261 HG
Plaintiff,)
vs.) MOTION TO DISMISS
JAMES TROIANO, (01)) INDICTMENT OR, IN THE
Defendant.) ALTERNATIVE, TO SUPPRESS
) PROSECUTION EVIDENCE
) RELATING TO AUDIOTAPED
) FEDERAL DETENTION CENTER
) PHONE CALLS BY DEFENDANT
)
) Date: March 23, 2006
) Time: 8:30 a.m.
) Judge: HELEN GILLMOR
)

**MOTION TO DISMISS INDICTMENT OR, IN THE ALTERNATIVE, TO
PRECLUDE PROSECUTION EVIDENCE RELATING TO AUDIOTAPED
FEDERAL DETENTION CENTER PHONE CALLS BY DEFENDANT**

Defendant James Troiano (Troiano), by and through counsel Todd Eddins, moves the Court for an order precluding the government's use of evidence relating to phone calls made by Troiano at the Federal Detention Center.

This motion is based on the ground that Troiano's Fifth Amendment right to due process of law and a fair trial was violated when his "UNDER SEAL" request for a subpoena duces tecum relating to the phone calls was disregarded by the

Federal Detention Center and the recordings of the calls were instead provided directly to the government. Troiano also asserts that his Sixth Amendment right to compulsory process and the assistance of counsel have been violated by the government's actions.

This motion is based on Federal Rules of Criminal Procedure Rules 12 and 47, and the Fifth and Sixth Amendment to the United States Constitution, the Declaration of Counsel, the attached Memorandum of Law in Support of Motion, any evidence or representations elicited at an evidentiary hearing on the motion, and the arguments by counsel at the hearing on the motion.

DATED: Honolulu, Hawaii: February 27, 2006



Todd Eddins
Attorney for Defendant James Troiano